

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIA M. CORTES-COBOS

Plaintiff

vs

CIVIL 04-1608CCC

LABORATORIOS ABBOTT PUERTO
RICO, INC., d/b/a ABBOTT HEALTH
PRODUCTS, INC.
METROPOLITAN LIFE INSURANCE
COMPANY a/k/a METLIFE and its
subsidiary or department METLIFE
DISABILITY a/k/a METDISABILITY

Defendant

O R D E R

Having considered defendants' Motion to Strike Plaintiff's Motion for Attorney's Fees filed on November 14, 2005 (docket entry 56), plaintiff's opposition filed on November 28, 2006 (docket entry 57) and the reply tendered by defendant Metropolitan Life Insurance Company (MetLife) on November 29, 2005 (docket entry 58),¹ said motion is GRANTED. Judgment was entered on September 20, 2005 (docket entry 54). Plaintiff's Motion for Attorney's Fees was filed on November 8, 2005 (docket entry 55). Pursuant to the extended period of forty-five (45) days provided by Local Rule 54(a), the term to file the application for attorney's fees expired on November 4, 2005. Plaintiff incorrectly relies on Fed.R.Civ.P. 6(e) claiming an entitlement of three (3) additional days. Rule 6(e) does not apply to periods that run from the entry of judgment. By her own admission, plaintiff at paragraph 5 of her opposition acknowledges that she was "prepared to file the Motion for Attorney's Fees in a timely fashion on November 7, 2005." But by November 7, 2005, the forty-five day term had elapsed. Therefore, her claims regarding technical difficulties which led to a November 8,

¹ MetLife's Motion for Leave to Reply (docket entry 58) is GRANTED. The tendered reply brief is ORDERED FILED.

2005 filing are irrelevant. Accordingly, the Motion to Strike (docket entry 56) is GRANTED and the Motion for Attorney's Fees (docket entry 55) is DENIED as untimely.

Given the denial of plaintiff's motion for attorney's fees, the Motion for Leave to File Reply filed by defendant Abbott Laboratories of Puerto Rico (docket entry 59), plaintiff's Motion Requesting One Day Extension (docket entry 61) and Motion Submitting Detailed Timesheets (docket entry 62), and MetLife's Notice of Intention to Oppose (docket entry 64) are MOOT.

SO ORDERED.

At San Juan, Puerto Rico, on July 27, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge